

D7C - CONSPICUOUS SERVICE WITH MILITARY / MAILING
1PJH966127 - PAUL J. HOOTEN, ESQ

UNITED STATES SOUTHERN DIST. COURT - NEW YORK COUNTY

J&J SPORTS PRODUCTIONS, INC.,

PLAINTIFF

- vs. -

**RINCON HAVANERO INC DBA RINCON
 HAVANERO
 RESTAURANT ET ANO,**

DEFENDANT

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

JONAH DAWKINS being duly sworn, deposes and says;

I am over the age of 18 years, not a party to this action, and reside in the State of New York.

That on **04/29/2008** at **3:27PM** at **2314 ELLIS AVENUE APT. 2FL , BRONX, NY 10462**, deponent attempted to make personal service of a true copy of the **SUMMONS AND COMPLAINT** in the above action upon **JOAQUIN RUBI** the **DEFENDANT** therein named.

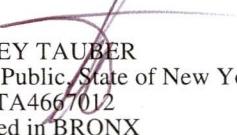
Deponent made prior efforts to effect personal service upon the said **DEFENDANT** at the aforementioned address, to wit: **04/25/2008 at 7:31PM, 04/26/2008 at 6:37PM, 04/29/2008 at 3:27PM**.

Deponent spoke with **VICTOR MARTINEZ, NEIGHBOR OF THE DEFENDANT** at aforementioned address, who stated to deponent that said **DEFENDANT** lived there, and had no knowledge of place of employment of the **DEFENDANT**. That personal service could not be made with due diligence upon the said **DEFENDANT** and therefore deponent on **04/29/2008 at 3:27PM** at the aforementioned address, served a true copy of the aforementioned document(s) herein upon the said **DEFENDANT, JOAQUIN RUBI** by affixing same to the door of **DEFENDANT said residence**, since admittance could not be obtained upon reasonable application or a person of suitable age and discretion found who would receive same, true copies thereof, and on **05/02/2008** I deposited in the United States mail another true copy or copies of the aforementioned documents properly enclosed and sealed in a post-paid wrapper addressed to said **DEFENDANT** at **2314 ELLIS AVENUE APT. 2FL , BRONX, NY 10462**. That address being **last known residence, usual place of abode of the DEFENDANT**.

Copy mailed 1st class mail marked personal & confidential not indicating on the outside thereof, by return address or otherwise that said notice is from an attorney or concerns an action against the person to be served.

That at the time of service as aforesaid, I asked person spoken to whether the **DEFENDANT** was in, or a defendant of a person in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid I aver that the **DEFENDANT** is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York, or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to before me on **05/02/2008**.


HARVEY TAUBER
 Notary Public, State of New York
 No. 01TA4667012
 Qualified in BRONX
 Commission Expires 12/31/2010


JONAH DAWKINS - 869981
 AAA ATTORNEY SERVICE CO. OF NY, INC.
 20 VESEY ST., ROOM 1110
 NEW YORK, NY 10007
 Ref#: **1PJH966127**
 ER